THE HONOURABLE SRI JUSTICE

B.SUDERSHAN REDDY

AND

THE HONOURABLE SRI JUSTICE

K.C. BHANU

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WRIT APPEAL No. 707 of 2002

Judgment: (Per Hon'ble Sri Justice B.Sudershan Reddy)

This writ appeal arises out of an order dated 13-11-2001 made in W.P.No. 2883 of 2001 by a learned single Judge of this Court.

The sole respondent herein filed the writ petition challenging the action of the Registering authority in refusing to register the sale deed presented for registration. The case of the respondent-writ petitioner is that he is the owner of the agricultural lands in question. He intended to sell the lands to the third parties. Accordingly a sale deed was presented to the Registering authority. The Registering authority refused to receive the document and register the same on the ground that the Mandal Revenue Officer, Shameerpet Mandal of Ranga Reddy District vide letter dated 10-3-1993 directed the Registering authority not to register the documents in respect of various survey numbers mentioned in the said letter which admittedly includes the survey number covering the land proposed to be sold by the respondent-writ petitioner.

The only contention that was raised by the petitioner before the learned single Judge was that the Registering authority is not bound by the directions issued by the Mandal Revenue Officer who has no jurisdiction whatsoever to issue such directions to the Registering authority directing them not to register the document presented for registration.

The learned single Judge having examined the legal position found that the Mandal Revenue Officer has no such authority in law to direct the Registering authority not to register the document presented for registration.

It appears, however, the learned Judge also took the view that even the Inspector General of Registration and Stamps has no authority in law to issue Memo dated
22-3-1993 directing the Registering authority not to register the document.

Obviously the whole of the issue had arisen because, according to the Mandal Revenue Officer, the lands sought to be alienated belong to the temple and in order to protect the properties of the temple, appropriate directions have been issued to the Sub-Registrar directing him not to entertain any document and register the same in respect of those lands belonging to the temple.

The view taken by the learned single Judge, in our considered opinion, does not suffer from any legal infirmity. No provision of law is brought to our notice under which such directions could have been issued by the Mandal Revenue Officer or by the Inspector General of Registration and Stamps directing the Sub-Registrar not to register the documents presented by the interested parties. Mere registration of the document itself would in no manner confer any additional right upon an individual.

However, learned single Judge while allowing the writ petition, made certain observations which, in our considered opinion, are totally unnecessary, since we are not concerned with the right, title and interest of any of the parties with regard to the land which is sought to be transferred by way of document that was presented for registration. The question whether the temple continued to be the owner or not is not for us to express any opinion.

Be it be noted that the Government of Andhra Pradesh introduced amendment

to the provisions of the Registration Act, 1908 enabling the Government to declare the registration of certain documents as opposed to public policy. Accordingly Sec. 22-A of the Registration Act, 1908 (for short 'the Act') has been introduced into the provisions of the Registration Act, 1908 which reads as follows:

> **22-A. Documents registration of which is opposed to public policy**:- (1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is opposed to public policy.
>
> (2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable.

The newly incorporated provision by A.P. Act No. 4 of 1999 has come into operation with effect from 1-4-1999. The amended provision confers power upon the State Government to declare the registration of any document or class of documents as opposed to public policy. All that is required to be done by the State Government is to issue such declaration by notification to be published in the official Gazette. Once such declaration is issued, the Registering Officer is bound to refuse to register any document to which a notification issued under sub-section (1) of Sec. 22-A of the Act is applicable. Sub-section 2 of Sec. 22-A of the Act over-rides the other provisions of the Act, and provides that notwithstanding anything contained in the Act, the registering officer shall refuse to register any document in respect of which a notification has been issued by the State Government in exercise of its power under section 22-A(1) of the Act.

In the instant case no such notification has been issued by the State Government. Nothing prevented the State Government to issue such notification if the proposed registration of the document submitted or class of documents to be submitted are opposed to public policy.

The memo issued by the Inspector General of Registration and Stamps as well as the memo issued by the Mandal Revenue Officer directing the Sub-Registrar

not to register the documents is void and inoperative. The Sub-Registrar relying upon the said memos cannot refuse to receive the documents presented for registration. The Sub-Registrar is bound to receive the documents and scrutinise the same and accordingly register the documents provided there are no other legal impediments for registration of the documents. The Sub-Registrar cannot refuse to register the document on the basis of the memos issued by the Mandal Revenue Officer and the Inspector General of Registration and Stamps.

It is brought to our notice by the learned counsel for the respondent-writ petitioner that the Registering authority, pursuant to the directions of this Court had already registered the document and released the same in favour of the respondent-writ petitioner.

Viewed from any angle, no relief could be granted to the appellant in this writ appeal. The writ appeal is devoid of any merit.

This order shall not preclude the authorities to acdt under Section 22-A(1) of the Act, if in its opinion, the registration of the documents by the Sub-Registrar is opposed to public policy. In the absence of any such notification, the Registrar cannot refuse to receive and register the document.

This order however, shall not be construed as conferring any right, title or interest upon the respondent-writ petitioner other than what has been conveyed under the document. Mere registration of the document itself does not confer any additional rights upon any individual.

The Writ Appeal shall accordingly stand dismissed. No order as to costs.

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B.Sudershan Reddy, J.

21st July, 2004

K.C. Bhanu, J.

grr

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